

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 15-CR-182-JHP
)	
SCOTT FREDERICK ARTERBURY,)	
)	
Defendant.)	

DEFENDANT’S UNOPPOSED MOTION TO CONTINUE JURY TRIAL

Defendant Scott Frederick Arterbury, by and through his attorney, moves the Court to continue his jury trial from January 20, 2016, to February 16, 2016, to extend the corresponding deadlines for pretrial motions and response, and to continue the date of the pretrial conference. In support of his motion, Defendant Arterbury advises the Court:

- 1) In compliance with Local Criminal Rule 47.4, Counsel for Defendant Arterbury has conferred with Mr. Andrew Hofland, Assistant United States Attorney, and is authorized to state that the Government has no objection to this Motion.
- 2) The Indictment charges Mr. Arterbury with possession of child pornography, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2). The sealed Indictment was filed on December 7, 2015, and unsealed on December 15, 2015. Mr. Arterbury had previously appeared on a complaint filed November 10, 2015. He made his first appearance and was arraigned on the Indictment December 15, 2015.
- 3) The Court issued a scheduling order December 8, 2015, setting the motion deadline for December 18, 2015, the pretrial conference for December 22, 2015, the response deadline for December 28, 2015, and jury trial for January 20, 2016. Mr. Arterbury

requests that the trial date be continued to the Court's February 2016 trial setting, and that the corresponding deadlines be extended.

- 4) Pursuant to Local Criminal Rule 47.8, Counsel for Defendant Arterbury advises the Court that the requested continuance does not implicate the Speedy Trial Act, 18 U.S.C. §§ 3161 *et seq.* Defendant Arterbury's initial appearance and arraignment occurred on December 15, 2015. The Speedy Trial Act would mandate a trial date on or before February 23, 2016.
- 5) Counsel for Mr. Arterbury received discovery at arraignment on December 15, 2015. Counsel will need time to review the discovery she has received, in addition to reviewing discovery in possession of the Federal Bureau of Investigation, and discuss the discovery and any potential pretrial motions with Mr. Arterbury. Additional time is necessary for Mr. Arterbury to make an informed decision as to whether to proceed to trial in this matter.
- 6) Pursuant to Local Criminal Rule 47.3, a proposed order granting the requested relief is being submitted contemporaneously herewith.

WHEREFORE, Defendant Arterbury requests the Court continue the jury trial from January 20, 2016, to February 16, 2016, extend the deadlines for pretrial motions and responses, and continue the pretrial conference.

Respectfully submitted,

OFFICE OF THE FEDERAL PUBLIC DEFENDER

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CERTIFICATE OF SERVICE

I certify that on the 18th day of December, 2015, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant(s):

Mr. Andrew Hofland
Assistant United States Attorney
Office of the United States Attorney
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s/Julie K. Linnen
Julie K. Linnen